

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 21ST DAY OF APRIL, 2020

PRESENT

THE HON'BLE MR. ABHAY S. OKA, CHIEF JUSTICE

AND

THE HON'BLE MRS. JUSTICE B.V.NAGARATHNA

WRIT PETITION NO.6671 OF 2020 (GM-RES-PIL)

BETWEEN :

SMT SANDHYA U. PRABHU,
W/O NAVEENA HEGDE KOTA,
AGED 40 YEARS, 011,
MERIDIAN GARDEN APARTMENT,
CHOLANAGAR,
R.T. NAGAR POST,
BANGALORE-560 032.

...PETITIONER

(BY SMT. SANDHYA U. PRABHU, PARTY-IN-PERSON)

AND :

- 1 . STATE OF KARNATAKA,
REPRESENTED BY CHIEF SECRETARY,
VIDHANA SOUDHA,
BANGALORE-560 001.
- 2 . MINISTRY OF HOME AFFAIRS,
REPRESENTED BY SECRETARY,
VIDHANA SOUDHA,
BANGALORE-560 001.
- 3 . MINISTRY OF HEALTH AND FAMILY WELFARE,
REPRESENTED BY ITS SECRETARY,
VIKAS SOUDHA,
BANGALORE-560 001.
- 4 . DIRECTOR GENERAL AND INSPECTOR,
GENERAL OF POLICE,

NRUPATUNGA ROAD,
BANGALORE-560 001.

... RESPONDENTS

(BY SRI.M.DHYAN CHINNAPPA, A.A.G. AND
SRI.VIKRAM HUILGOL, A.G.A.)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO QUASH THE ORDER PASSED BY RESPONDENT NO.4 ALLOWING THE OPENING OF SUPER MARKETS 24X7 AS PER ANNEXURE 'B' DATED 25.03.2020, AND ETC.

THIS PETITION COMING ON FOR *ORDERS* THIS DAY, **CHIEF JUSTICE** MADE THE FOLLOWING:

ORDER

The first prayer in this petition is for quashing the order passed by the respondent No.4 allowing super markets to function 24x7. The respondent No.4 is the Director General and Inspector General of Police. The submission of the petitioner appearing in person is that if the super markets are kept open 24x7, large number of people will enter the super markets and will touch the articles which are displayed for sale. This will result in spread of Covid-19. Her submission is that the working hours of super markets will have to be restricted.

2. The second objection in the writ petition is for permitting the use of Bangalore Metropolitan Transport Corporation (BMTC) buses for facilitating transport of people for ensuring that a provision is made for rendering essential services. Her submission is that cleanliness is not maintained in BMTC buses and if permission to travel is granted to 20 passengers in a bus, it will again result in spread of Covid-19 and therefore, number of passengers should be reduced.

3. As far as first prayer is concerned, it cannot be disputed that in lockdown period, it is the duty of the State Government and Central Government to ensure the uninterrupted supply of grocery and other essential articles to the citizens. Depending upon the circumstances and local situation, it is for the Authorities of the State to take a decision regarding the time during which grocery shops and super markets can be kept open. The State Government can always issue directions for strictly observing social distancing and other norms. Prayer (a) concerning

the decision to keep open super markets 24x7 relates to purely a policy decision. We do not find anything arbitrary in the said policy decision and therefore, no interference is called for by this Court in writ jurisdiction.

4. As regards the second prayer regarding use of 180 BMTC buses for transportation of persons for ensuring that a provision is made for rendering essential services, it cannot be disputed that for the Government employees and for the employees of the local authorities, who are working in the Departments providing essential services, transport arrangement has to be made by the Authorities. It is obvious from Annexure 'D' that necessary measures are being taken for maintaining social distancing while traveling is allowed by BMTC buses. It is stated in Annexure 'D' that only 20 passengers can travel by BMTC buses at a time.

5. Needless to add that all precautions will have to be taken while operating the buses and norms

of social distancing will have to be strictly observed. However, we do not find *per se* anything wrong, arbitrary or illegal in the decision taken to allow BMTC buses to be used for transportation of persons who are connected with providing the essential services. Therefore, no case is made out to entertain this petition and the same is accordingly ***disposed of***.

Sd/-
(ABHAY S. OKA)
CHIEF JUSTICE

Sd/-
(B.V.NAGARATHNA)
JUDGE

RK/-



CJ/BVNJ:
21.04.2020

ORDER
Live
IN
Law.in
WRIT PETITION NO.6671 OF 2020 (GM-RES-PIL)

RK/-